

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

IN RE:	§	
	§	
EVEREST REAL ESTATE	§	Case No.20-34077
INVESTMENTS, LLP <sup>1</sup>	§	
	§	Chapter 11
DEBTOR-IN-POSSESSION	§	

**DEBTOR'S RESPONSE AND ANSWER TO UNITED STATES TRUSTEE'S MOTION  
TO CONVERT OR DISMISS CASE, OR IN THE ALTERNATIVE, TO SET PLAN  
DEADLINES**

**TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:**

COMES NOW, Everest Real Estate Investments, LLP ("Debtor") and represents:

**RESPONSE**

1. On March 7, 2022, the United States Trustee filed a Motion to Convert or Dismiss Case, or in the Alternative, to Set Plan Deadlines (Motion). (See ecf 199)
2. At a status conference held by this Court on March 8, 2022, the Court announced that this case would be dismissed if the Debtor did not file a plan and all operating reports by March 22, 2022.
3. The Debtor filed a plan on March 21, 2022. (See ecf 202) The plan provides for distributions to creditors significantly greater than would be made if the case is converted to one under chapter 7 or is dismissed.

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<sup>1</sup> The Debtor in Possession, Everest Real Estate Investments, LLP, has used the following Assumed Names, shown on the Petition of Bankruptcy (ECF 1): ICON Hospital, ICON Skilled Nursing & Rehabilitation Facility, SE Texas ER and Hospital, SE Texas ER Hospital, Providence Hospital Northeast, SE Texas ER & Hospital.

4. Three operating reports were filed on March 22, 2022; however, they required amendment. The Court extended the March 22, 2022 deadline to March 28, 2022. (See ecf 207) All the Debtor's operating reports are filed (See ecf 209 through ecf 227).<sup>2</sup>

5. The Debtor filed its plan and operating reports within the time set by this Court.

6. The Debtor is current on its filings. The Motion asks for alternative relief: conversion, dismissal or that plan deadlines be set.

7. Confirming the Debtor's plan will benefit unsecured creditors more than if the case is converted or dismissed.

8. It is in the best interest of the Debtor and creditors that plan deadlines be set and that the case not be converted or dismissed.

#### ANSWER

9. The Debtor admits the allegations made in paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10.

10. The Debtor is without sufficient information to admit or deny the allegations made in paragraphs 11 and 12 and admits the allegations made in paragraph 13.

11. Paragraphs 14 through 28 contain argument or recites portions of the bankruptcy code; therefore, the Debtor is not required to make admissions or denials of them.

WHEREFORE, Everest prays that the Court set plan deadlines and deny all other relief requested in the Motion grant the Debtor such other further relief, in law and in equity, as is just.

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<sup>2</sup> Chris Quinn, the sub-chapter V trustee, and the Debtor conferred extensively over preparing the reports.

Dated: March 29, 2022

Respectfully submitted,

The Gerger Law Firm, PLLC

By: /s/ Alan S. Gerger

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ATTORNEY FOR  
EVEREST REAL ESTATE INVESTMENTS LLP  
DEBTOR IN POSSESSION

**CERTIFICATE OF SERVICE**

This is to certify that on March 29, 2022, a copy of the foregoing was served upon those shown below and those entitled to receive notice electronically:

Alicia Barcomb  
Office of the US Trustee  
515 Rusk Ave, Suite 3516  
Houston, TX 77253-3064

Christopher Quinn  
Subchapter V Trustee

By: /s/ Alan S. Gerger  
Alan S. Gerger